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September 26, 2024

**VIA ELECTRONIC FILING (ECF)**

Honorable Hector Gonzalez, USDJ  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: ***Yehuda Herskovic v. Verizon Wireless***  
USDC EDNY Case Number: 1:19-cv-03372-HG-RML

*Request for clarity and Telephone Conference regarding Plaintiff's letter, and Extension of time to Respond.*

Dear Judge Gonzalez:

We represent defendant Cellco Partnership d/b/a Verizon Wireless, *erroneously sued as* “Verizon Wireless” (“Verizon Wireless”) in the above-referenced matter. Based upon a recent decision from the Second Circuit issued on September 17, 2024, the Court remanded the case back to State Court.

Since then, on September 19, 2024, the *pro se* Plaintiff, Mr. Herskovic, filed an uncategorized letter to Your Honor (Dkt. # 87), essentially asking that before the Remand takes place, that this Court enter an order vacating ECF 29, which was the underlying order compelling Arbitration. Thus far, there was no pre-motion application, and as presented, Mr. Herskovic’s letter dated September 18, 2024 is not identified as a proper motion.

Mindful of Your Honor’s Local Rules, the nature of Mr. Herskovic’s September 19, 2024 filing is unclear, and Cellco Partnership seeks an opportunity to respond to that letter and oppose the relief that seems to be sought, assuming even that the District Court still maintains jurisdiction given the Second Circuit’s recent decision. Just earlier today, I called Mr. Herskovic in advance of submitting this letter, and left a message asking that he call me to discuss his filing.

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With that said, and given that Cellco's time could be running out as of right – dependent on how the Plaintiff's letter is construed, we respectfully ask for a Conference Call with Your Honor to address the nature and treatment of Plaintiff's submission, for clarity, and for a firm briefing schedule should that be appropriate.

Further, we respectfully ask for an extension to at least 14 days, to submit opposition.

We very much appreciate Your Honor's time and consideration in this matter.

Respectfully Submitted,



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